

FCC MAIL SECTION

MAY 8 11 47 AM '95
 Before the
 Federal Communications Commission
 Washington, D.C. 20554

DISPATCHED BY
 the Matter of

Amendments to the amateur
 service rules including
 amendments for examination
 credit, eligibility for a club
 station license, recognition of
 the volunteer examiner session
 manager, a special event call
 sign system, and self-assigned
 indicator in the station
 identification.

WT 95-57

RM-8301

RM-8418

RM-8462

NOTICE OF PROPOSED RULE MAKING

Adopted: April 25, 1995;

Released: May 8, 1995

Comment date: July 14, 1995

Reply comment date: August 14, 1995

By the Commission:

I. INTRODUCTION

1. This *Notice of Proposed Rule Making (Notice)* proposes various changes to the amateur service rules that have been requested by members of the amateur service community. On January 6, 1994, the American Radio Relay League, Inc. (ARRL), requested in petition RM-8418 that a former licensee be allowed to obtain a new amateur operator license without passing the requisite qualifying examinations again. Petition RM-8462, also filed by ARRL, on April 4, 1994, requests that the rules be amended to increase to four persons the minimum number of members required to constitute an organization eligible for a club station license. On July 15, 1993, the National Conference of Volunteer-Examiner Coordinators (NCVEC) filed petition RM-8301 for amendment of the rules to provide for a volunteer examiner (VE) on-site manager at license examination sessions. We are also proposing rules for a special event station vanity call sign system.¹ Finally, we are proposing a rule amendment that would provide licensees with greater flexibility when an amateur station is using self-assigned indicators with the call sign. Our specific proposals are discussed more fully below.

II. DISCUSSION

EXAMINATION CREDIT

2. In petition RM-8418, the ARRL wants to encourage former amateur operators to become involved again in the technical self-training and public service communications opportunities provided by the amateur service. The ARRL believes that former license holders whose interest is rekindled should be permitted to re-enter the amateur service without reexamination.² We believe that the ARRL's position has merit. Former license holders previously passed examinations demonstrating that they qualified for the class of operator license held. Further, this proposal would relieve the VEs from the burden of preparing and administering examinations for former license holders. We propose, therefore, to authorize administering VEs to give examination element credit for any examination that the applicant previously passed in obtaining the former license. We also solicit comments concerning the criteria that we should use to allow any other qualified persons similarly situated (such as former and current holders of other types of operator licenses issued by the Commission, other United States government agencies, and foreign governments) to obtain examination credit, without examination, for amateur operator licenses.

CLUB ELIGIBILITY

3. Petition RM-8462 concerns the minimum number of club members required for a club station to be eligible for a license. We have resumed the issuance of new club station licenses.³ Therefore, ARRL believes that it is important for the Commission to determine that the applicants therefor are legitimate clubs and not just persons pursuing an additional call sign. The ARRL states that only 10 of its 1,957 affiliated clubs have less than four members and, therefore, recommends that a minimum of four members be required.⁴ We believe there is merit in ARRL's suggestion. Requiring four members, rather than two, would assist in ensuring that radio clubs are *bona fide* organizations. Accordingly, we propose to increase the eligibility requirement to four persons for a club station license.

VE SESSION MANAGER

4. Although the volunteer-examiner coordinator (VEC) system -- now in its twelfth year of operation -- is an outstanding success,⁵ NCVEC believes that the rules should provide uniform standards for the on-site manager for each examination session. In RM-8301, NCVEC requests that the VE session manager be recognized in the rules as the person in charge of the session. Often there are examinees at the session⁶ who are seeking a class of license that requires examination in more than one element.⁷ Where there are many examinees, the VE session manager increases examination efficiency by organizing as many VEs as necessary into teams with each team administering a

¹ See *Report and Order* in PR Docket No. 93-305, adopted December 23, 1994, 10 FCC Rcd 1039 (1995), at para. 13.

² Petition for rule making at 3 and 4.

³ See *Report and Order* in PR Docket No. 93-305, *supra*.

⁴ Section 97.5(b)(2) of the Commission's Rules, 47 C.F.R. § 97.5(b)(2), currently requires a club to be composed of at least two persons.

⁵ During 1994, amateur radio examinations were administered

to 106,670 persons.

⁶ The number of examinees at any one session varies from one to several hundred. In 1994, the average was nine examinees.

⁷ The requirements for the six classes of amateur operator license consist of passing one or more of the eight different examination elements. See Section 97.501 of the Commission's Rules, 47 C.F.R. § 97.501.

particular element. The ARRL⁸ commented that the current requirement for three VEs to administer each examination ensures the integrity of the examination system. The ARRL also believes that placing the responsibility for the propriety of the examination on one person only dilutes the joint and several liability of all three VEs.⁹

5. We propose to amend the rules to recognize the role of the VE session manager as the person who plans, keeps records, organizes, and supervises the activities of the administering VEs at each session. In our 1993 Financial Inquiry, we solicited information from sixty VEs. The responses of the VEs indicate that many VEs have organized themselves into teams locally and that a team tends to answer to a leader. The team leader is often the only VE who is reimbursed and maintains records. See letter of April 15, 1994, from Chief, Personal Radio Branch to sixty VEs. We also propose that each examination element continue to be administered by at least three VEs.¹⁰ The presence of at least three VEs will provide the VEC with first-hand observers who can monitor the performance of the VE session manager and the other VE(s). This will preserve the cross-checking favored by the ARRL, while recognizing the role of the VE session manager as requested by NCVEC.

SPECIAL EVENT VANITY CALL SIGN SYSTEM

6. In PR Docket No. 93-305, we set aside the one-by-one call sign block until the matter of a special event vanity call sign system could be addressed in a separate proceeding.¹¹ A one-by-one call sign consists of a single prefix letter (K, N, or W), the region number (P to 9), and a single suffix letter (A to Z). There are 780 such call signs. We will address the special event vanity call sign system in this Notice. In its comments concerning the vanity call sign system, ARRL had requested that one-by-one call signs be reserved for assignment to stations operating in conjunction with short-term events of special significance. A special event vanity call sign system will meet the needs of amateur operators for temporary operation of their stations during events that are of special significance to the amateur service community. We propose, therefore, to establish a special event vanity call sign system. Under this approach, the licensee making the request, at least 120 days prior to the event, would be required to indicate the nature of the event and would have to certify that it is of special significance to the amateur service community. In addition, the licensee would submit a list of one-by-one format call signs, in order of preference. The first assignable call sign on the list would be stamped "granted" and a copy of the list would be returned to the person making the request. The special event vanity call sign could be used for a period not to exceed that of the special event, or for 15 days, whichever is less. We request comments on this proposed special event vanity call sign system.

⁸ The activities of the ARRL are separate from the ARRL/VEC. The ARRL/VEC has made a persuasive showing to the Commission that preventive measures have been taken to preclude any possible conflict of interest with the ARRL which publishes and distributes materials used to obtain an amateur operator license. See Section 97.521(e) of the Commission's Rules, 47 C.F.R. § 97.521(e).

⁹ Comments of ARRL at 4.

¹⁰ Section 97.509(a) of the Commission's Rules, 47 C.F.R. § 97.509(a), currently requires each examination to be administered by three VEs.

SELF-ASSIGNED INDICATOR

7. The Commission has received several informal requests for clarification of Section 97.119(c) of the Commission's Rules, 47 C.F.R. § 97.119(c), concerning station identification. Paragraph (c) provides: "An indicator may be included with the call sign. It must be separated from the call sign by the slant mark or by any suitable word that denotes the slant mark. If the indicator is self-assigned, it must be included after the call sign and must not conflict with any other indicator specified by the FCC Rules or with any prefix assigned to another country." Specifically, the requests concern including a self-assigned indicator before rather than after the assigned call sign as provided in the current rule.¹² We believe that allowing indicators to be included before, after, or both before and after, the assigned call sign will provide the amateur service community with greater flexibility when making the station identification announcement. We propose, therefore, to amend the rule accordingly.

III. CONCLUSION

8. In view of the foregoing, we propose to amend the amateur service rules to allow former amateur operators to obtain amateur service licenses without examination, to increase the minimum number of persons comprising an organization eligible for a club station license, to recognize the role of the VE session manager, to establish a special event vanity call sign system, and to provide licensees with greater flexibility when making a station identification announcement. These proposed rule changes are intended to be responsive to the needs of the public and to the radio services that we administer.

IV. PROCEDURAL MATTERS

Regulatory Flexibility Act

9. We certify that the Regulatory Flexibility Act of 1980 does not apply to this rule making proceeding because promulgation of the proposed rule amendments will not create significant economic impact on a substantial number of small business entities, as defined by Section 601(3) of the Regulatory Flexibility Act. The amateur stations that are the subject of this proceeding would not be authorized to transmit any communications where the station licensee or control operator has a pecuniary interest. The Secretary shall send a copy of the *Notice of Proposed Rule Making*, including the certification, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 605(b) of the Regulatory Flexibility Act. Pub. L. No. 96-354, 94 Stat. 1164, 5 U.S.C. §§ 601-612 (1980).

¹¹ See *Report and Order* in PR Docket No. 93-305, *supra*.

¹² For example, the licensee of amateur station W1AA in Boston, Massachusetts, decides to operate the station while vacationing in the Virgin Islands. In order to direct more attention to the station, the licensee may include a self-assigned indicator, such as /KP2, in the station identification announcement. (Stations located in the Virgin Islands are normally assigned a call sign with the prefix KP2, NP2, or WP2.) The call sign given in the station announcement, therefore, would be W1AA/KP2. We propose to permit also the station announcement KP2/W1AA and KP2/W1AA/KP2.

Ex Parte Rules - Non-Restricted Proceeding

10. This is a non-restricted notice and comment rule making proceeding. *Ex Parte* presentations are permitted, except during the Sunshine Agenda period, provided that they are disclosed as specified in the Commission's Rules. See generally 47 C.F.R. §§ 1.1202, 1.1203, and 1.1206(a).

Comment Dates

11. Pursuant to applicable procedures set forth in Sections 1.415 and 1.419 of the Commission's Rules, 47 C.F.R. §§ 1.415 and 1.419, interested parties may file comments on or before **July 14, 1995**, and reply comments on or before **August 14, 1995**. To file formally in this proceeding, you must file an original and four copies of all comments and reply comments. If you want each Commissioner to receive a personal copy of your comments, you must file an original plus nine copies. You should send comments and reply comments to Office of the Secretary, Federal Communications Commission, Washington, DC 20554. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center of the Federal Communications Commission (Room 239), 1919 M Street, N. W., Washington, DC 20554.

Ordering Clause

12. Accordingly, IT IS ORDERED that, pursuant to Sections 4(f)(4)(B) and (i), and 303(a), (l)(1), and (r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(f)(4)(B) and (i), and 303(a), (l)(1), and (r), notice is hereby given of proposed amendments to Part 97 of the Commission's Rules, 47 C.F.R. Part 97, in accordance with the proposals, discussions, and statement of issues in this *Notice of Proposed Rule Making*. Comment is sought regarding such proposals, discussions, and statement. Rule making petitions RM-8301, RM-8418, and RM-8462 ARE GRANTED to the extent indicated herein, and ARE DENIED in all other respects.

Contact Person

13. For further information concerning this proceeding, contact Maurice J. DePont, Wireless Telecommunications Bureau, (202) 418-0690.

FEDERAL COMMUNICATIONS COMMISSION


William F. Caton
Acting Secretary

Attachment: Appendix

APPENDIX

Part 97 of Chapter I of Title 47 of the Code of Federal Regulations is proposed to be amended as follows:

Part 97 - Amateur Radio Service

1. The authority citation for Part 97 continues to read as follows:

Authority citation: 48 Stat. 1066, 1082, as amended; 47 U.S.C. §§ 154, 303. Interpret or apply 48 Stat. 1064-1068, 1081-1105, as amended; 47 U.S.C. §§ 151-155, 301-609, unless otherwise noted.

2. In Section 97.3, paragraph (a)(11)(ii) is redesignated as paragraph (a)(11)(iii), and new paragraphs (a)(11)(ii) and (47) are added to read as follows:

§ 97.3 Definitions.

* * * * *

a) ***

(11) ***

(i) ***

(ii) *Special event call sign system*. The call sign is selected by the FCC from a list of call signs requested by the licensee. The call sign is shown on the request. It is temporarily substituted for the call sign shown on the license while the station is transmitting in conjunction with an event of special significance to the amateur service community.

* * * * *

(47) *VE session manager*. The VE designated by the administering VEs to plan, organize, keep records, and directly supervise the activities of other VEs at a session where examinations for amateur operator licenses are administered.

* * * * *

3. Section 97.5(b)(2) is revised to read as follows:

§ 97.5 Station license required.

* * * * *

(b) The types of station licenses are:

(1) ***

(2) A club station license. A club station license is granted only to the person who is the license trustee designated by an officer of the club. The trustee must be a person who has been granted an Amateur Extra, Advanced, General, Technician Plus, or Technician operator license. The club must be composed of at least four persons and must have a name, a document of organization, management, and a primary purpose devoted to amateur service activities consistent with this Part. The club station license document is printed on FCC Form 660.

4. In Section 97.19, the heading and paragraph (a) are revised and new paragraph (e) is added to read as follows:

§ 97.19 Application for a vanity call sign or a special event station call sign.

(a) A person who has been granted an operator/primary station license or a license trustee who has been granted a club station license is eligible to make application for modification of the license, or the renewal thereof, to show a call sign selected by the vanity call sign system or the special event station call sign system. RACES and military recreation stations are not eligible for a vanity call sign or a special event station call sign.

(e) Each request for a special event station call sign must be received at the FCC, 1270 Fairfield Road, Gettysburg, PA 17325-7245 at least 120 days prior to the special event.

(1) The request must include:

(i) The licensee's name, address, and primary station call sign.

(ii) A signed statement indicating the nature of the event and certifying that it is of special significance to the amateur service community.

(iii) The time period during which the special event station will operate. In no case will the period exceed that of the special event, or 15 days, whichever occurs first.

(iv) A list from the person making the request of one-by-one format call signs, in order of preference.

(2) The first assignable call sign from the list will be indicated on the request, that call sign will be stamped *GRANTED*, and a copy of the list showing the call sign granted will be returned to the person making the request. The call sign will be selected from those call signs assignable at the time the request is processed by the FCC.

5. Section 97.119(c) is revised to read as follows:

§ 97.119 Station identification.

(c) One or more indicators may be included with the call sign. Each indicator must be separated from the call sign by the slant mark (/) or by any suitable word that denotes the slant mark. If an indicator is self-assigned, it must be included before, after, or both before and after, the call sign. No self-assigned indicator may conflict with any other indicator specified in this section or with any prefix assigned to another country.

6. Section 97.505 is revised by redesignating paragraph (a)(10) as paragraph (a)(11) and adding new paragraph (a)(10) to read as follows:

§ 97.505 Element credit.

(a) ***

(10) An expired FCC-issued amateur operator license: The least elements required for the operator license formerly held. No examination credit will be given if the operator license was suspended for the remainder of the license term, if the operator license was surrendered to avoid enforcement proceedings, or if the operator license expired following revocation of the associated station license. Examination credit, however, will be given if the suspension period of the operator license was subsequently modified to denote a lesser time period.

7. Section 97.509(a) is revised to read as follows:

§ 97.509 Administering VE requirements.

(a) Each examination element for an amateur operator license must be administered by at least 3 administering VEs at an examination session. There must be a VE session manager who is in attendance during the entire session.

8. New Section 97.515 is added to read as follows:

§ 97.515 VE session manager requirements.

(a) The VE session manager must be accredited as a VE by the same VEC that coordinates the examination session.

(b) Before each examination session, the VE session manager must make a public announcement stating the location and the time of the session. The number of examinees may be limited.

(c) The VE session manager is responsible for supervising the activities of the administering VEs and the conduct of the examinees. The VE Manager may serve concurrently as an administering VE.

(d) The VE session manager must maintain a log for the session. The log must include the names of the examinees, the names of the administering VEs, and the examination elements administered by each VE.